IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

ORDER
IN
S.B. Civil Misc. Application No.160/2006
In
S.B. Civil Second Appeal No.180/2006

Bhagchand Jain Vs. Kamal Kumar

Date of Order ::: 20.10.2006

Present
Hon'ble Mr. Justice Narendra Kumar Jain

Shri A.N. Gupta, Counsel for appellant
Shri Rajpal Yadav, Advocate, for
Shri R.K. Daga, Counsel for respondent
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By the Court:-

Heard learned counsel for the parties.

Learned counsel for the appellant has filed this application for extension of time to furnish the written-undertaking to handover the vacant and peaceful possession of the rented premises to the respondent, as per direction of this court dated 21.4.2006.

The second appeal of the appellant was dismissed as not pressed and with the consent of both the parties it was directed that the respondent shall not execute the impugned decree till 21.10.2007 provided the appellant furnishes an undertaking in writing incorporating therein the terms and conditions

mentioned in the order dated 21.4.2006, in the lower court, within a period of four weeks.

The learned counsel for the appellant submits that due to ill-health of the counsel Shri A.N. Gupta, he could not obtain the certified copy of the order dated 21.4.2006, and in these circumstances the required undertaking could not be filed.

Although the reason given by the learned counsel for the appellant is not reasonable, but after considering the submissions of the learned counsel for both the parties I think it fit and proper in the interest of justice to grant one week's time to the appellant from today to file the written-undertaking as directed in the order dated 21.4.2006 passed by this court in S.B. Civil Regular Second Appeal No.180/2006. It is made clear that in case the written-undertaking, as required, is not furnished within one week from today, then it will be open for the plaintiff-respondent to execute the decree of eviction passed in his favour.

The application accordingly stands disposed of.

(Narendra Kumar Jain) J.

//Jaiman//